

ATTORNEYS FOR PLAINTIFF

ONE NORTH LEXINGTON AVENUE
WHITE PLAINS, NEW YORK
914.681.9500

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LINDA DiMEGLIO, :

Plaintiff, : 07 Civ. 3324 (SCR)

-against- : AFFIDAVIT

VILLAGE OF BRIARCLIFF MANOR, :

Defendant. :

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STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)


MITCHELL J. BAKER, being duly sworn, deposes and says:

1. I am counsel to Linda DiMeglio, the within plaintiff. I submit this affidavit in opposition to defendant's motion to dismiss the complaint pursuant to FRCP 12(b)(6).

2. In connection therewith I annex as Exhibit "A" the original complaint this matter and Exhibit "B" as the proposed amended complaint.

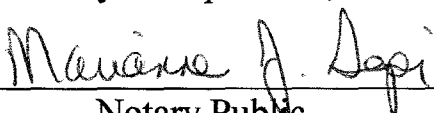
Proceeding between Ms. DiMeglio and the Village of Briarcliff Manor now pending before the Honorable Lester B. Adler, Justice of the Supreme Court of the State of New York, County of Westchester.

3. As set forth in the accompanying memorandum of law, the amended complaint simply clarifies the authority under which Ms. DiMeglio seeks attorneys' fees in this Title VII action and should obviate the motion to dismiss as to this specific issue.



MITCHELL J. BAKER

Sworn to before me this
21st day of September, 2007



Notary Public

MARIANNE J. SEPI
Notary Public, State of New York
No. 01SE6302410
Qualified in Westchester County
Commission Expires October 31, 2010 